
IN RE:
THE APPLICATION OF
JOBY D. JERRELLS
IN CONSIDERATION FOR
JUDGE OF THE INDIANA TAX COURT



APPLICATION MATERIALS

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Indiana Judicial Nominating Commission
30 South Meridian Street
Suite 500
Indianapolis, IN 46204
(317) 232-4706

I. Provide your:

- A. Full legal name and any former names.

JOBY DEE JERRELLS

- B. Current home and office addresses, including email addresses and telephone numbers.

WORK:

302 West Washington Street
IGCS, 5th Floor
Indianapolis, Indiana 46204-2794
317.232.6232
joby.jerrells@atg.in.gov

HOME:

4663 West Harvest Lane
Bloomington, Indiana 47404
812.935.5757

jjerrells@bluemarble.net

- C. Date and place of birth.

SEPTEMBER 1, 1967, BLOOMINGTON, INDIANA.

- D. Spouse's name (if married).

LISA J. JERRELLS, M.D.

- II. Complete a State Police release form printed on green paper. Include the release only with the original application and not with the copies.

SEE ATTACHED.

- III. Attach a recent photograph of you to the front of the original application and to each copy of your application.

SEE ATTACHED.

- IV. A. State in what county you currently reside and since what date.

I have been a Monroe County resident since June, 2000.

- B. List all previous counties of residence, with dates.

	<u>FROM</u>	<u>TO</u>
Monroe County	June 2000	Present
Richland County (Columbia, SC)	June 1997	May 2000
Marion County	June 1996	May 1997
Brown County	August 1991	June 1996
Monroe County	June 1985	August 1991
Lawrence County	July 1984	May 1985
Monroe County	September 1967	June 1984

- C. When were you admitted to the Indiana Bar?

OCTOBER 20, 2003

- D. Are you currently on active status?

YES

- E. What is your attorney number?

24248-53

- V. A. List below all colleges and universities you attended other than law schools. Attach a certified transcript from each to the original application and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it before copying.)

<u>SCHOOL</u>	<u>DATES ENROLLED</u>	<u>DEGREE OR CERTIFICATE</u>
INDIANA UNIVERSITY <i>College of Arts & Sciences</i>	08/85 – 05/89	Bachelor of Arts
INDIANA UNIVERSITY <i>School of Public & Environmental Affairs</i>	08/89 – 05/94	Master of Public Affairs

* See attached transcripts provided with Section V. B, below.

- B. List below all law schools and post-J.D. programs attended. Attach a certified transcript from each to the original application and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it before copying.)

<u>SCHOOL</u>	<u>DATES ENROLLED</u>	<u>DEGREE OR CERTIFICATE</u>
INDIANA UNIVERSITY <i>School of Law – Indianapolis</i>	08/00 – 05/03	Juris Doctorate, <i>cum laude</i> Rank 29/246; GPA 3.552

- C. Describe any academic honors, awards, and scholarships you received and when.

Recipient of the B.G. Crowe Memorial Scholarship, 1985: Without the generosity of the Crowe Family in Lawrence County, successfully completing the first year of college would have been nearly impossible for me. Neither of my parents graduated from high school and my father passed away during my freshman year in college. Receiving the Crowe Scholarship was one of the turning points in my life, for which I am eternally grateful.

Dean's List: Several semesters during undergraduate, graduate, and law school, I made the Dean's list.

National Champion: 4th Annual Carl A. Stickel Cybercrimes Moot Court Competition, 2002.

Regional Finalist: American Bar Association's National Appellate Advocacy Competition, 2003.

VI. A. Provide your employment history since graduation from college, including titles or positions, locations, and dates.

1. **SUMMIT TECHNOLOGIES, INC.**
Data Technician
Crane, Indiana
May 1989 – January 1990
2. **INDIANA UNIVERSITY, COMPUTING SERVICES**
Computer Operator (2nd Shift)
Bloomington, Indiana
January 1990 – July 1994
3. **BLOOMINGTON HOSPITAL**
Computer Operator (3rd Shift)
Bloomington, Indiana
June 1991 – June 1992
4. **INDIANA UNIVERSITY, WORKSHOP IN POLITICAL THEORY AND POLICY ANALYSIS**
Research Coordinator
Bloomington, Indiana
June 1994 – May 1997
5. **UNIVERSITY OF SOUTH CAROLINA, DEPARTMENT OF HOUSING**
MIS Manager
Columbia, South Carolina
May 1997 – June 1998
6. **SYSTEMS & COMPUTER TECHNOLOGIES – UTILITIES DIVISION**
Project Manager
Columbia, South Carolina
June 1998 – January 1999
7. **UNIVERSITY OF SOUTH CAROLINA, FACILITIES MANAGEMENT CENTER**
Network Manager
Columbia, South Carolina
February 1999 – June 2000
8. **FERGUSON & FERGUSON**
Summer Law Clerk (1L student)
Bloomington, Indiana
May 2001 – August 2001
9. **McMAINS, FOSTER, & MORSE**
Summer Associate (2L student)
Indianapolis, Indiana
May 2002 – January 2003

10. **OFFICE OF MORGAN COUNTY PROSECUTOR STEVE SONNEGA**
Certified Legal Intern (3L student)
Martinsville, Indiana
January 2003 – June 2003
11. **OFFICE OF INDIANA ATTORNEY GENERAL STEVE CARTER**
Deputy Attorney General
Indianapolis, Indiana
August 2003 – January 2005
12. **OFFICE OF MONROE COUNTY PROSECUTOR CARL SALZMANN**
Deputy Prosecutor, Felony Drugs
Bloomington, Indiana
January 2005 – March 2006
13. **FRENCH LICK RESORT**
Director of Regulatory Compliance
French Lick, Indiana
March 2006 – May 2007
14. **SELF EMPLOYED**
Attorney
Bloomington, Indiana
May 2007 – present
15. **OFFICE OF INDIANA ATTORNEY GENERAL GREG ZOELLER**
Deputy Attorney General
Indianapolis, Indiana
June 2007 – January 2009 (contract/hourly)
January 2009 – present (full-time)

- B. If applicable, describe the nature and extent of your practice of law, present and former, and provide the names of your partners, associates, office mates, and employers.

As a Deputy Attorney General under Steve Carter, I reported to the Section Chief of Criminal Appeals, Christopher LaFuse and, later, Cynthia Ploughe. Gary Secrest was the Chief Counsel of Appeals. My main duties were to author criminal appellate briefs on behalf of the State, argue cases, and seek transfer or oppose when appropriate. I also authored civil appellate briefs as assigned by David Steiner, the Section Chief of Civil Appeals. When the Tax Section was in transition, I was the point person on appellate tax matters, including authoring petitions for review or oppositions to review. I worked closely with the attorneys in the Appellate Division (Steve Creason, Ellen Meileander, Jodi Stein, Jim Martin, Monika Tablot, Kelly Miklos, Rich Webster, Mike Worden, Nicole Schuster, Frances Barrow, George Sherman, J.T. Whitehead, Stephanie Rothenberg, Dan Kopp, Zach Stock, Scott Barnhart,

Scott Kreider, Chris Stephen, Justin Roebel, Matt Fisher, Elizabeth Rogers, and Grant Carlton), the Tax Section (John Snethen, Ted Holaday, Joel Schiff, and Toma Shepherd), and the Litigation Section (Doug Webber). I argued several criminal and civil cases before the Indiana Supreme Court, the Court of Appeals, and the Tax Court.

As a felony Deputy Prosecutor under Monroe County Prosecutor Carl Salzmann, I was primarily responsible for prosecuting felony drug crimes and serving as the prosecutor's representative on the Drug Court team. My duties also included civil forfeiture cases. I also supervised a multi-county drug interdiction grant. My colleagues included Chief Deputy James Trulock, Chief Trial Deputy Amy Marie Travis, and fellow deputies: Geoffrey Bradley, Jeff Kehr, Lynda Robison, Rich Hansen, Michael Scarton, Joseph Lozano, Trish Huffman, Amy Colgan, Rebecca Veidlinger, Jacqueline Dakich, and Shelley McBride. I practiced primarily before Judge Marc Kellams, Judge Ken Todd, Judge Randy Bridges, and occasionally Judge Michael Hoff, Judge Stephen Galvin, and Commissioner Bret Raper.

As the Director of Regulatory Compliance at French Lick, I reported to Chris Leininger, the Chief Operating Officer, and Dan Weidrich, the Chief Financial Officer. My primary responsibility was to ensure compliance with all state, federal, and local regulation. A substantial portion of my duties included general corporate counsel work, such as contracting and risk management. I worked closely with Brian Marsh (Vice President of Casino Operations), Mark Bommarito (Vice President of Marketing), Linda Perin (Director of Casino Finance), Toby Brown (Director of Information Technology), Michael Bennett (Director of Security), Wes Fleetwood (Director of Surveillance), Connie Jackson (Director of Human Resources), and Dale Nachreiner (Director of Table Games). My position required frequent interaction with staff of the Indiana Gaming Commission, including: Jennifer Arnold, Phillip Sicuso, Adam Packer, Chris Gray, Frank Brady, and Charlie Vonderschmitt.

As a solo attorney in private practice, I have represented corporate clients and private individuals in a number of matters on an hourly basis, billed when work is completed. I do not, however, represent clients on a retainer or contingency fee basis. I have been corporate counsel for my wife's medical practice, Joie de Vivre, LLC, and have advised JDV on a number of legal and business matters.

As a Deputy Attorney General under Greg Zoeller, I report to the Section Chief of Criminal Appeals, Cynthia Ploughe. Steve Creason is now the Chief Counsel for Appeals. I am also assigned as-needed to the Prosecution Section, supervised by Ian McLean, who reports to Chief Deputy Gary Secrest. My primary responsibility is to represent the State in criminal appeals, author briefs, and argue cases before Indiana appellate courts. As part of the

Prosecution Section, I was the lead prosecutor in the State's first two criminal tax evasion cases brought under the authority of the Attorney General in at least two decades. My two cases resulted in guilty pleas for State tax evasion charges for four defendants. As a result of my prosecutorial work, brought on behalf of the Attorney General, I am aware of approximately three existing direct conflicts of interest in civil tax cases involving defendants in my cases or cases on which I have consulted which may require appointment of a judge *pro tempore* in the Tax Court. See Ind. Tax Court Rule 15 (selection of special judge). I have worked with the attorneys in the Appeals Division (in addition to those listed above under Steve Carter: Mellisica Flippen, Art Rodriguez, Andrew Falk, Ann Goodwin, Karl Scharnberg, Tiffany Romine, Angela Sanchez, Jan Huffman, Wade Hornbacher, Brian Reitz, and Henry Flores) and the Tax Section (primarily Andrew Swain, John Snethen, and Tim Schultz).

C. Describe the extent of your jury experience, if any.

As the Felony Drug Deputy Prosecutor in Monroe County, I tried approximately six felony jury trials in one year, ranging from Class A to Class D felonies.

Recently, as part of the Prosecution Section, I sat second chair to Mr. McLean in *State v. Monte Murphy*, Cause No. 18C03-0905-FD-0079, in June 2010. A Delaware County grand jury indicted Murphy for mishandling voter ballots in the 2007 Muncie Municipal election. The jury returned guilty verdicts on three of five class D felony counts. The case is pending on appeal.

While serving as a Deputy Prosecutor in Monroe County, I was called for jury service in a civil case involving a personal injury accident. I had known defense counsel since high school and shared a common woodworking interest with plaintiff's counsel. Both attorneys were aware of my connections to each of them, which I disclosed during *voir dire*, yet the attorneys elected to keep me on the jury. We returned a partial verdict for the plaintiff. For a practicing attorney, serving on a jury was an invaluable insight into the deliberation process.

D. If applicable, describe the nature and extent of your judicial experience, including a description of your experience presiding over jury trials, if any.

NOT APPLICABLE.

In 2008, I was a candidate for judge in Monroe County, but was defeated in the general election.

Though I have been repeatedly asked by local judges, my service as a State's attorney precludes me from serving as a judge *pro tempore* in most cases.

VII. A. If applicable, list by caption, case number, and filing date up to five of your trial or appellate briefs and/or written judicial opinions.

1. *Aztar Ind. Gaming Corp v. Ind. Dept. of State Revenue*, Cause No. 49T10-0007-00089, Brief in Response to Petition for Review, filed July 15, 2004. *See* Section VII. F(1), below, Writing Sample, Tab 1.
2. *Attorney General v. Lake Superior Court*, Cause No. 45S00-0405-OR-204 consolidated with *Governor v. Miller Citizens Corporation*, Cause No. 45S00-0405-CV-224, Brief of Relator-Appellants, filed on June 7, 2004. This case presented the constitutionality of various property tax assessment statutes in Lake County and the jurisdiction of the Tax Court. *See* Section VII. F(2), below, Writing Sample, Tab 2.
3. *Trimble v. State*, Cause No. 40A01-0311-CR-437, Appellee's Petition to Transfer, filed November 17, 2004. The petition was taken under advisement on January 28, 2005, and transfer granted on February 26, 2006. Everyone loves a good story about "Butchie" the dog. *See* Writing Sample, Tab 3.
4. *Myers v. State*, 55A05-0703-CR-00148, Appellee's Response to Petition to Transfer, filed September 25, 2008. *See* Section VII. F(4), below, Writing Sample, Tab 4.
5. *Jeff Sagarin and Shirley Jablonski v. City of Bloomington*, Cause No. 53A01-0909-CV-454, filed on February 3, 2010. As private counsel, I represent the plaintiffs/joint appellants in this inverse condemnation/takings case. The case is still pending and I must respectfully decline to discuss the matter because the transfer petition will come before the Supreme Court of Indiana.

B. If applicable, list up to five legislative drafts or court rules you have written or to which you contributed significantly. Refer to them by official citation, by date, and by subject matter.

NOT APPLICABLE.

C. If applicable, list up to five of your contributions to legal journals or other legal publications. Provide titles, official citations, and a brief description of the subject matter.

I was the Executive Managing Editor of Volume 13, Nos. 1, 2 & 3 of the Indiana International and Comparative Law Review. Volume 3 included the Symposium, “From Pipe Bombs to Ph.D-s: International Terrorism in the Twenty-First Century” – held on February 21–22, 2003. As Executive Managing Editor, I edited every article and note published in all volumes, including the symposium.

- D. Include with your application copies of any four of the written materials listed above in Section VII. A., B., and C. (An adequate sampling can usually be supplied in 75 pages or less.)

SEE WRITING SAMPLE.

- E. Describe the nature and extent of any *pro bono* legal services you have contributed.

1. I accepted an appellate *pro bono* assignment from the District 10 office in Cause No. *McCauley v. DuKate*, 28A04-0804-CV-195. The case involved a property dispute in rural Greene County. District 10 deemed the case worthy of *pro bono* service and I agreed to represent DuKate. Though my client owned approximately 17 acres of land, it was rugged, undeveloped, and remote. My client, who mowed lawns for a living, had saved his entire life to purchase the property.

DuKate parceled away three acres of his land to McCauley, a former friend who promised to bring electricity to the property. DuKate sued for breach of contract and in tort. The trial court held in-part in favor of my client and in-part against, McCauley appealed. In a split, unpublished decision, the Court of Appeals reversed the trial court, holding against DuKate in whole. I felt compelled to seek transfer and I personally paid the costs associated with the transfer filing fee after reviewing Ind. Professional Conduct Rules 1.8 cmt. 10 (providing that lawyers may pay court costs and litigation expenses for indigent clients) and 6.1 (encouraging *pro bono* service).

When transfer was denied, McCauley sought to recover appellate costs under Appellate Rule 67, which the Court of Appeals awarded, again in a split decision. I personally paid the costs of the appeal to the Greene County clerk. Had I not done so, DuKate would have been forced to give up even more of his land, likely to McCauley, to satisfy the order. The funds remain in trust in Greene County pending the outcome of an appeal involving McCauley and another neighbor, DuKate’s friend, in *McCauley v. Harris*, Cause No. 28A04-0907-CV-421 (Ind. Ct. App. June 18, 2010), *reh’g pending* (stay of enforcement of judgment pending appeal granted on March 23, 2010).

2. During 2008, I also provided *pro bono* service to the Town of Stinesville in rural Monroe County. The Town has a three member board and a clerk. My contribution included attending monthly public meetings and performing various legal research tasks related to Town matters.
- F. Identify the five most significant legal matters entrusted to you whether as a judge or lawyer, and describe why you believe them to be so.

In no particular order:

1. The Gaming Cases: Trump & Aztar

In the fall of 2003 through the summer of 2004, the tax section under Attorney General Carter was in transition. I had the opportunity to appear and represent the State in a number of civil tax matters, the first of which was *Ind. Dept. of Revenue v. Trump*, Cause No. 49S10-0310-TA-484. I authored the merits brief in the case transferred from the Tax Court. The issue in *Trump* was whether use tax was due on a riverboat purchased out-of-state, which was defined as “real property” for the purposes of property tax assessments. The legislature viewed riverboats essentially as real property, which established a tax base against which local government could assess and collect property taxes to offset the costs associated with additional local services required by riverboats. The purchase of a riverboat, however, was not exempt from sales and use taxation. The Tax Court held that a riverboat could not be subject to both property tax and sales and use tax on the purchase or transfer. I briefed the case, which was my first introduction to appellate tax matters. Our Supreme Court agreed with my argument and reversed the Tax Court, subjecting riverboats to sales and use taxation as well as property taxation.

Aztar Ind. Gaming Corp. v. Ind. Dept. of State Rev., Cause No. 49T10-0007-TA-89, was not limited solely to Aztar, but rather addressed the Riverboat Wagering Tax which applied to all casinos. Aztar simply happened to be the first case in the queue. Federal income tax law permitted casinos to deduct the taxes paid by riverboats for each wager placed by a patron from their federal returns (the Riverboat Wagering Tax). The Tax Court held, however, that Indiana required the tax to be “added back” for purposes of State income taxation. By the time the matter was ripe for review, the deputies who represented the State in the Tax Court had left the office and I was assigned to write the brief opposing review. The case represented approximately \$100M in revenue to the State. Our Supreme Court denied review.

2. Attorney General v. Lake Superior Court; Governor v. Miller Citizens Corporation

In 2004, the Lake Superior Court declared several property tax assessment statutes unconstitutional. When applying the State's new market-based assessment regime in Lake County, there was a shift of approximately \$500M in assessed value from industrial to residential taxpayers, which had a substantial impact on the residents of Miller. The trial court's action cast doubt on the State's entire property tax system and placed the State's bond rating at risk, which would have cost taxpayers across the state millions of dollars in higher interest rates. As the lead deputy representing the Governor, Attorney General Steve Carter, and the Director of Local Government Finance, I filed an original action in the Indiana Supreme Court to prohibit the trial court from enforcing its order, which would have required new property tax bills using the old unconstitutional assessment values.

I was the lead author on the brief and coordinated the drafting process with several other attorneys. I also argued the case to the Indiana Supreme Court, which was my first argument before any court, let alone the Indiana Supreme Court. Although I had only been out of law school one year, I was humbled to represent the Attorney General and the Governor in this substantial property tax case where the State prevailed.

The case was important because it demonstrates that the Tax Court, as a court of special jurisdiction, is the critical balancing point between taxpayers and the taxing authority. Unchecked, the case encroached upon and eroded the Tax Court's jurisdiction and decreased the certainty and stability of one of the critical components of the State's revenue system, property taxation, which represents the lion's share of local government revenue.

3. Boney v. State

Two juries have found that former State Trooper David Camm killed his wife, Kimberly, and his two children, Brad and Jill. Camm's convictions, however, have been reversed on appeal. After the first reversal, investigators determined that another person, Charles Boney, was also involved with the murders. Boney and Camm were tried nearly simultaneously, but in different counties. Boney was convicted of three counts of murder and sentenced as a habitual offender.

I represented the State in Boney's appeal. The Court of Appeals affirmed Boney's conviction and our Supreme Court denied transfer. Though Camm's third trial is still pending, Charles Boney will serve out the

remainder of his 225 year sentence in the Indiana Department of Correction.

4. Myers v. State

In May 2000, Jill Behrman disappeared while riding her bicycle near Bloomington. In 2003, Jill's remains were found in rural Morgan County. In 2006, a jury convicted John Myers, II, of murdering Jill.

I wrote the State's brief and argued the case to the Indiana Court of Appeals. The case was affirmed on appeal with transfer denied.

Myers has since filed a petition for post-conviction relief, which is pending. After Myers filed his petition, Morgan County Prosecutor Steve Sonnega asked me to assist him in representing the State to oppose the petition. Attorney General Zoeller's Chief Deputy agreed that I could assist however possible.

The case was personally important to me because I was a certified legal intern for Mr. Sonnega in Morgan County when Jill's remains were discovered. Monroe County is also my home, where I worked as a deputy prosecutor during parts of the investigation.

5. French Lick & West Baden

In March 2006, I began working for the French Lick Resort as the Director of Regulatory Compliance. At the time, the property was closed to the public and undergoing what eventually became a \$500M renovation. I was the only attorney on-property and acted as *de facto* corporate counsel, sharing an office suite with the Chief Operating Officer, and the Chief Financial Officer. I held a Level 1 gaming license issued by the Indian Gaming Commission, which involves an extensive personal and financial background investigation.

My responsibilities on the senior management team included complying with all regulatory matters, such as gaming, health, alcohol, and other state and federal regulations. I reviewed and recommended for approval approximately \$30M in pre-opening contracts to ensure compliance with the State's minority and woman-owned business enterprise requirements. I worked with the casino department directors to establish a system of internal financial controls to ensure financial accountability for all assets at all times. I worked closely with the human resources department, which was responsible for approximately 1,200 employees at the time. I also worked daily with the information technology, security, and surveillance directors.

The French Lick/West Baden project has been an important source of economic development for cash-strapped Orange County. I am honored to have played my part in returning two gems of Indiana history, the French Lick and the West Baden hotels, to operational status, which has been a great source of pride to the citizens of Orange County.

- G. Provide the names, addresses, and telephone numbers of three attorneys who have been your professional adversaries in your practice or who have litigated substantial cases in your court and who would be in positions to comment on your qualifications for appointment to the Indiana Tax Court.

Joel M. Schumm
Clinical Professor of Law
INDIANA UNIVERSITY SCHOOL OF LAW – INDIANAPOLIS
530 West New York Street
Indianapolis, Indiana 46202
317.278.4733
jmschumm@iupui.edu

Geoffrey M. Grodner
MALLOR CLENDENING GRODNER & BOHRER LLP
511 Woodcrest Drive
P.O. Box 5787
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J.C. Tucker
TUCKER & TUCKER PC
188 South Court Street
Paoli, Indiana 47454
812.723.2313
jc@tuckerandtuckerlawyers.com

- VIII. A. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) toward the improvement of the law, the legal system, or the administration of justice.

Administration of Justice

Prosecuting attorneys have a special ethical responsibility to be a minister of justice, not simply an advocate. This duty is similar to the duties of impartiality that judges must exercise in every case. I strive to be a minister of justice in every case in which I appear on behalf of the State of Indiana. At times, this duty requires a prosecutor to dismiss a case or concede an issue before the court. I have done both in my work before the trial and appellate courts. For example, in *Gosha v. State*, recently discussed by a candidate in the interviews to fill the vacancy to the Indiana Supreme Court, I had to concede that Gosha was not afforded the process due in a drug court termination proceeding. However, I was able to convince the court to issue a published opinion stating what the due process requirements should have been.

In my opinion, the Tax Court has an even greater responsibility to ensure that taxpayers are treated fairly. Moreover, *pro se* litigants often appear before the court. To ensure the continued legitimacy of the State's tax regime, the Tax Court judge must be unfailingly impartial.

Improving the Law and the Legal System

I have authored hundreds of appellate briefs and have more than sixty published cases. I have argued approximately nine times in the Indiana Supreme Court, ten times in the Court of Appeals, and one time in the Indiana Tax Court. Many of my cases, particularly those in the Indiana Supreme Court, have further developed or changed Indiana law in significant ways. *See* List of Published Cases attached hereto as an addendum.

During the Symposium referenced in Section VII. C, above, I presented the symposium article "Trying Terrorists – Justification for Differing Trial Rules: The Balance between Security Considerations and Human Rights" on behalf of the author, Emanuel Gross, Professor of Criminal Law at Haifa University in Israel.

In September 2007, I spoke to eighth grade students at Lora L. Batchelor middle school in Monroe County, my alma mater, about the United States Constitution as part of the Constitution Day ceremonies. *See* Nicole Kauffman, *Eighth Graders take note of Constitution Day*, THE HERALD TIMES, September 19, 2007.

I have also regularly volunteered to judge law students during moot court arguments and review student briefs at the Bloomington and Indianapolis programs.

- B. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) concerning civic, political, or social issues.

As a candidate for judge of the Monroe Circuit Court in 2008, I spoke at numerous campaign and candidate events covering a variety of topics.

In November 2009, I co-authored a guest column with my wife Lisa Jerrells on the merits of various healthcare bills then-pending in the U.S. Congress. *See* Joby Jerrells and Lisa Jerrells, *Single standard for preventive health services can't meet needs of all patients*, THE HERALD TIMES, November 29, 2007, Sunday Ed.

- C. List any memberships and offices you have held in civic or charitable organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

Member, Bloomington Sunrise Rotary, 2008–09.

- D. List any memberships and offices you have held in professional organizations, including dates and descriptions of the purposes of the organizations and of your involvement.



Member of the Indiana State Bar Association

MCBA **Member of the Monroe County Bar Association**

- E. List any memberships you hold in social clubs or organizations. If any restrict its membership on the basis of race, sex, religion, or national origin, please describe your efforts within the organization to eliminate restrictions.

NOT APPLICABLE.

- F. Indicate your experience teaching law, and provide the dates, names of institutions or programs, and a description of the subject matter taught.

IVY TECH COMMUNITY COLLEGE

Bloomington, Indiana

Adjunct Instructor

Legal Research and Writing, Fall 2005, 2007;

Torts, Spring 2006.

- G. Describe your hobbies and other leisure activities.

For the past thirty years, I have been a woodworker – a hobby I began at approximately age thirteen. I learned the skill from my brother-in-law, who was a general residential contractor. I slowly gained expertise over the years and do most household projects myself. I have a full woodworking shop and, thankfully, all of my fingers.

My family and I love to travel and I have visited nearly every state. I have also traveled internationally to Mexico, France, and the Cayman Islands. While working at Indiana University for Dr. Elinor Ostrom, the 2009 Nobel Laureate in Economics, I traveled for business to Bolivia, Guatemala, the United Kingdom, and Finland. I also spent an incredible eight weeks in the Brazilian Amazon.

- IX. A. Provide names, addresses, and telephone numbers of three professional references other than those listed in Section VII. G.

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Thomas B. Allington
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342 Massachusetts Avenue
Indianapolis, Indiana 46204
317.860.2926
tallington@rubin-levin.net

Chris Leininger
Chief Operating Officer
FRENCH LICK RESORT
8670 West State Road 56
French Lick, Indiana 47432
812.936.5909
cleininger@frenchlick.com

- B. Provide names, addresses, and telephone numbers of three personal references other than those listed in VII. G.

Robert L. Santa, CPA, MBA
Vice President of Finance
COOK GROUP INCORPORATED
750 Daniels Way
P.O. Box 1608
Bloomington, Indiana 47402-1608
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rob.santa@CookGroup.com

Christy Gillenwater
President and CEO
GREATER BLOOMINGTON CHAMBER OF COMMERCE
400 West 7th Street, Suite 102
P.O. Box 1302
Bloomington, Indiana 47402
812.361.8325
cgillenwater@chamberbloomington.org

M. Darren Root, CPA, CITP
Managing Partner
ROOT ACCOUNTING
1516 South Walnut Street
Bloomington, Indiana 47401
812.332.7200
droot@root.com

- C. List any lawsuits or legal proceedings in any jurisdiction, including bankruptcies and dissolutions, to which you have been a party. Provide dates, case numbers, names of other parties, and, if needed, a brief explanation.

NOT APPLICABLE.

- D. If you ever have been arrested or cited for any violation of the law other than for routine traffic violations, provide dates, jurisdictions, and an explanation of the event and its resolution.

NOT APPLICABLE.

- E. If you are or have been a member of the Bar of any other state, identify the jurisdiction and provide dates.

NOT APPLICABLE.

- F. If you have been disciplined or cautioned, formally or informally, by the Indiana Supreme Court Disciplinary Commission, by the Indiana Commission on Judicial Qualifications, by the Indiana Supreme Court, or by similar entities in any other jurisdiction, identify each instance by date, case number if applicable, and describe the circumstances and the nature of the outcome or resolution.

NOT APPLICABLE.

- G. If you have any outstanding federal, state, or local tax obligations, please itemize and explain.

NOT APPLICABLE.

- X. A. Attach a recent statement from your physician describing your general physical condition.

SEE ATTACHED.

- B. Within the past three years, have you been diagnosed or treated for an emotional or mental condition or illness, including any condition that involves treatment for drug or alcohol use? If so, provide the dates of assessment and/or treatment and the names and addresses of your doctors or other treatment providers.

NOT APPLICABLE.

- C. Are you able to perform the essential functions of Judge on the Indiana Tax Court, with or without accommodation?

I am able to perform the essential functions without accommodation.

DATE

APPLICANT'S SIGNATURE

PRINTED NAME

WAIVER AND STATEMENT OF CONSENT

The undersigned applicant authorizes the release to the Indiana Judicial Nominating Commission or its staff or agents any records, reports, and documents, whether or not otherwise confidential, which may be requested by the Commission in the performance of its evaluations of candidates pursuant to I.C. § 33-27-3-2. The scope of this authorization extends to, but is not necessarily limited to, requests from the Commission for Federal, State or local tax records, criminal and driving histories from any jurisdiction, attorney and judicial disciplinary records from any jurisdiction, whether pending or closed, and credit reports and histories. The undersigned releases and discharges the Judicial Nominating Commission, its individual members, its employees, agents and representatives, the Indiana State Police, the Indiana Department of Revenue, the Indiana Supreme Court Disciplinary Commission and any other agency or person or their agents or representatives providing information to the Commission from any and all liability arising from the furnishing and use of information concerning the undersigned applicant.

The undersigned agrees and understands that the Indiana Judicial Nominating Commission or its members, agents, or employees, may interview or otherwise consult with members of the legal, judicial, and general community concerning the professional qualifications and the integrity of the applicant, that the name of the applicant will be released by the Commission upon its receipt of the application and this waiver, and that if, pursuant to I.C. § 33-27-3-2(d), the applicant is given further consideration as a candidate after the Commission's initial screening of candidates, or if no such screening occurs and all applicants are considered, the application will be made public. This waiver does not constitute an election by the applicant pursuant to I.C. § 33-27-3-2(g)(3)(C) to authorize the release of investigatory records which are excepted from public inspection pursuant to I.C. § 33-27-3-2(g)(1) and (2).

The undersigned agrees to immediately supplement this application upon any event or circumstance substantially affecting any answer provided in the application.

The undersigned acknowledges having read the Instructions attached to the application.

The undersigned agrees to resign from office or membership in any political organization upon submission of this application.

The undersigned affirms that, if nominated by the Judicial Nominating Commission to the Governor and thereafter appointed to this judicial office, the candidate will accept the appointment.

DATE

APPLICANT'S SIGNATURE

PRINTED NAME

PERSONAL STATEMENT

Four generations of Jerrells men ploughed their way through the fields of Lawrence County, dug limestone out of the earth, worked the railroads, and performed other backbreaking labor to help build a community. Though neither of my parents graduated from high school, they hoped that I, the last of their five children, would be the first Jerrells to have the opportunity to attend college – a lifelong dream for me.

Even though I grew up in rural Monroe County, just miles from Indiana University, college life was a world away, completely foreign to me and my family. Growing up was difficult. When I was eleven years old, my oldest brother, who was my best friend, took his own life. He was twenty years old. After my brother's death, my father spiraled into depression and alcoholism, which broke the family apart. My mother and I moved to Bedford, which helped me immensely. I thankfully made a lot of friends who were college-bound, mostly to engineering programs. They inspired me to work harder toward the dream I thought was unattainable. I forever remain in their debt.

Once in college, I began studying math and computer science, the closest subject to engineering offered at Indiana University. I lived at home with my mother and during my freshman year, my father died of lung cancer. At about the same time, I became interested in law, but thought that if graduating from college was a dream, becoming a lawyer was just a fantasy. Though I applied to law school during undergraduate, I was unsuccessful in a heavy application year. I also applied to the graduate program in Public Affairs and began pursuing my MPA.

During graduate school, I married my wife Lisa, who had her own interesting success story. Lisa's father was drafted to serve in Viet Nam and, unlike many of his fellow soldiers, returned home to raise a family. His primary goal for his children was also education. Lisa was the valedictorian of her high school class in Brown County and wanted to become a physician. I put my own dream of becoming a lawyer on hold while my wife finished her undergraduate program and started medical school. I worked full-time, relying on my technical skills, and finished the MPA while Lisa attended medical school. My favorite courses in the MPA program were related to law and revenue policy, the latter taught by Dr. John Mikesell, a leading public finance expert.

After earning the MPA, I had an incredible opportunity to work for Professor Elinor Ostrom at Indiana University. I assisted Dr. Ostrom and other researchers around the world to perform statistical analysis using a database that I developed and managed. As part of my job duties, I made numerous presentations about Dr. Ostrom's International Forest Resources and Institutions research program. The

work continues and Dr. Ostrom recently won the Nobel Prize for economics for her work on common pool and common property resources.

When my wife completed her family practice residency in South Carolina, I enrolled in law school, where I excelled. I graduated from law school with honors, serving on law review and participating on two winning moot court teams.

Law is my second career, but was always my first passion. At times during my tenure as an attorney, I have pushed myself to attain more diversity in my exposure to the law. I have argued approximately nine times in the Indiana Supreme Court, ten times in the Court of Appeals, and one time in the Tax Court. I have over sixty published cases, many of which have substantially changed or furthered the body of law. I have tried cases before juries and practiced before many judges. I have had cases from over two-thirds of the counties in Indiana, which include scores of judges and hundreds of attorneys. My legal experience is not limited solely to government service. I have also worked as a private sector corporate attorney, plaintiff's counsel, and performed *pro bono* service to the bar. In seven years as a lawyer I have achieved more than most attorneys hope for an entire career.

Though growing up I was ashamed of my upbringing, I now see that my story may inspire others, including my own children, to achieve their own American Dream. I am pleased to have the opportunity to be considered for the Tax Court – an opportunity that is likely to arise only one time in my career.

If selected to serve on the Tax Court, my primary goal is to run an efficient docket without sacrificing the quality of decisions, to apply *stare decisis*, and to interpret statutes as written, consistent with the intent of the Legislature. Civility, cordiality, professionalism, and decorum would be the norm in and out of court. I would also work to ensure a smooth transition with existing staff members, who should be valued for their commitment to public service. I would also continue the court's efforts to educate the public and *pro se* litigants about the court. As a technophile and former project manager for large-scale software implementation projects, my strategic goal would be to implement a fully electronic docket.

My education, experience, and background – legal and non-legal alike – are the best match to fill the vacancy on the Indiana Tax Court for the next twenty-five years and I look forward to discussing the opportunity with the members of this Honorable Commission.

INDIANA SUPREME COURT CASES

Blanck v. Ind. Dep't of Corr. et al., 829 N.E.2d 505 (Ind. 2005);
Glover v. State, 836 N.E.2d 414 (Ind. 2005);
Indiana Dept. of State Revenue v. Trump of Indiana, Inc., 814 N.E.2d 1017 (Ind. 2004);
Jackson v. State, 925 N.E.2d 369 (Ind. 2010) (*argued* October 22, 2009);
Jones v. State, 873 N.E.2d 725 (Ind. Ct. App. 2007), *trans. granted, vacated* (*argued* January 17, 2008);
K.S. v. State, 849 N.E.2d 538 (Ind. 2006);
Lee v. State, 849 N.E.2d 602 (Ind. 2006);
Miller v. State, Cause No. 46A04-0612-CR-696 (Ind. Ct. App. April 15, 2008), *trans. denied* (*argued* August 28, 2008);
Myers v. State, 839 N.E.2d 1146 (Ind. 2005);
Reemer v. State, 835 N.E.2d 1005 (Ind. 2005);
State ex rel. Atty Gen. v. Lake Superior Court, 820 N.E.2d 1240 (Ind. 2005) (*argued* June 23, 2004);
State v. Wilson, 836 N.E.2d 407 (Ind. 2005);
Trimble v. State, 842 N.E.2d 798, *reh'g granted*, 848 N.E.2d 278 (Ind. 2006).

Argued (briefed by other attorneys)

Adams v. State, (Ind. Ct. App. 2008), *trans. granted, vacated* (*argued* December 11, 2008);
Lafayette v. State, 917 N.E.2d 660 (Ind. 2009) (*argued* June 16, 2009);
Litchfield v. State, 824 N.E.2d 356 (Ind. 2005) (*argued* October 7, 2004);
Myers v. State, 839 N.E.2d 1154 (Ind. 2005), *cert. denied* (*argued* November 18, 2004);
Walden v. State, 895 N.E.2d 1182 (Ind. 2008) (*argued* October 24, 2007).

INDIANA COURT OF APPEALS CASES

Abdirizak v. Review Bd. of Ind. Dep't of Workforce Dev., 826 N.E.2d 148 (Ind. Ct. App. 2005);
Adcock v. State, --- N.E.2d --- (Ind. Ct. App. 2010);
Akard v. State, 924 N.E.2d 202 (Ind. Ct. App. 2010), *reh'g granted* 928 N.E.2d 623, *trans. granted*;
Alvies v. State, 905 N.E.2d 57 (Ind. Ct. App. 2009);
Ashworth v. State, 901 N.E.2d 567 (Ind. Ct. App. 2009), *trans. denied*;
Ballard v. State, 877 N.E.2d 860 (Ind. Ct. App. 2007);
Barnett v. State, 916 N.E.2d 280 (Ind. Ct. App. 2009), *trans. denied*;
Banks v. State, 884 N.E.2d 362 (Ind. Ct. App. 2008), *trans. denied*;
Baumgartner v. State, 891 N.E.2d 1131 (Ind. Ct. App. 2008);
Baxter v. State, 891 N.E.2d 110 (Ind. Ct. App. 2008);
Best v. State, 821 N.E.2d 419 (Ind. Ct. App. 2005), *trans. denied*;
Bloomington Area Arts Council v. Dep't of Workforce Dev., 821 N.E.2d 843 (Ind. Ct. App. 2005);
Boney v. State, 880 N.E.2d 279 (Ind. Ct. App. 2008), *trans. denied*;
Bryant v. Rev. Bd. of the Indiana Dept. of Workforce Dev., 812 N.E.2d 812 (Ind. Ct. App. 2004);
Caraway v. State, 891 N.E.2d 122 (Ind. Ct. App. 2008), *reh'g denied*;
Copas v. State, 891 N.E.2d 663 (Ind. Ct. App. 2008), *trans. denied*;
Davis v. State, 907 N.E.2d 1043 (Ind. Ct. App. 2009);
D.W. v. State, 903 N.E.2d 966 (Ind. Ct. App. 2009), *trans. denied*;

Fancher v. State, 918 N.E.2d 16 (Ind. Ct. App. 2009);
Fry v. State, 885 N.E.2d 742 (Ind. Ct. App. 2008), *trans. denied*;
Gado v. State, 882 N.E.2d 827 (Ind. Ct. App. 2008), *trans. denied*;
Glenn v. State, 884 N.E.2d 347 (Ind. Ct. App. 2008), *trans. denied*;
Gosha v. State, 931 N.E.2d 942 (Ind. Ct. App. 2010);
Hart v. State, 889 N.E.2d 1266 (Ind. Ct. App. 2008);
Harwell v. State, 821 N.E.2d 381 (Ind. Ct. App. 2004);
Heinzman v. State, 895 N.E.2d 716 (Ind. Ct. App. 2008);
Hendricks v. State, 897 N.E.2d 1208 (Ind. Ct. App. 2008);
Higgason v. Lemmon, 818 N.E.2d 500 (Ind. Ct. App. 2004), *trans. denied*;
Ind. Dep't of Corr. v. Swanson Svcs. Corp., 820 N.E.2d 733 (Ind. Ct. App. 2005), *trans. denied*;
Ind. Family & Soc. Svcs. Admin. v. Ace Foster Care & Pediatric Home Nursing Agency Corp.,
 823 N.E.2d 1199 (Ind. Ct. App. 2005);
Iqbal v. State, 805 N.E.2d 401 (Ind. Ct. App. 2004);
Johnson v. State, 804 N.E.2d 255 (Ind. Ct. App. 2004);
Jones v. State, 812 N.E.2d 820 (Ind. Ct. App. 2004);
Jones v. State, 885 N.E.2d 1286 (Ind. Ct. App. 2008);
King v. State, 877 N.E.2d 518 (Ind. Ct. App. 2007);
Lawson v. State, 803 N.E.2d 237 (Ind. Ct. App. 2004), *trans. denied*;
Leatherwood v. State, 880 N.E.2d 350 (Ind. Ct. App. 2008), *trans. denied*;
Lemond v. State, 878 N.E.2d 384 (Ind. Ct. App. 2007), *trans. denied*;
Lewis v. State, 931 N.E.2d 875 (Ind. Ct. App. 2010), *trans. pending*;
Mogg v. State, 918 N.E.2d 750 (Ind. Ct. App. 2009);
Myers v. State, 887 N.E.2d 170 (Ind. Ct. App. 2008), *trans. denied*;
M.B. v. State, 815 N.E.2d 210 (Ind. Ct. App. 2004);
Nunley v. State, 916 N.E.2d 712 (Ind. Ct. App. 2009), *trans. denied*;
Owens v. State, 886 N.E.2d 64 (Ind. Ct. App. 2008), *trans. denied*;
Pitts v. State, 904 N.E.2d 313 (Ind. Ct. App. 2009), *trans. denied*;
Roberson v. State, 900 N.E.2d 446 (Ind. Ct. App. 2009), *reh'g granted* 903 N.E.2d 1009, *trans. denied*;
Roberts v. State, 894 N.E.2d 1018 (Ind. Ct. App. 2008), *trans. denied*;
Sagarin v. City of Bloomington, --- N.E.2d --- (Ind. Ct. App. 2010);
Save the Valley, Inc. v. Indiana-Kentucky Elec. Corp., 820 N.E.2d 677 (Ind. Ct. App. 2005),
trans. denied;
Simpson v. State, 915 N.E.2d 511 (Ind. Ct. App. 2009), *trans. denied*;
Smith v. State, 891 N.E.2d 163 (Ind. Ct. App. 2008), *trans. denied*;
Stephens v. State, 874 N.E.2d 1027 (Ind. Ct. App. 2007), *trans. denied*;
Teague v. State, 891 N.E.2d 1121 (Ind. Ct. App. 2008);
Willis v. State, 806 N.E.2d 817 (Ind. Ct. App. 2004);
Woolum v. State, 818 N.E.2d 517 (Ind. Ct. App. 2004), *trans. denied*.

INDIANA TAX COURT CASES

Estate of Wilson v. Ind. Dep't of State Revenue, 822 N.E.2d 292 (Ind. Tax. Ct. 2005).